IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

W.A.No.1230 of 1997(C)

AGAINST THE JUDGEMENT IN O.P.NO.10224/1997-P DATED 01/07/1997

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APPELLANT/PETITIONER:-

M/S.SALIH INDUSTRIAL ENTERPRISES PVT. LTD.,
POWER HOUSE JUNCTION,
TRIVANDRUM,
REPRESENTED BY ITS MANAGING DIRECTOR, **M.S.AHMED,**
RESIDING AT G-4, TAGORE NAGAR,
COTTON HILL, VAZHUTHACAUD,
TRIVANDRUM.
* (M.S.AHMED DIED & LEGAL HEIRS IMPLEADED)

** ADDITIONAL APPELLANTS 2 TO 4 IMPLEADED

ADDL.2. KAYIMUTHU BEEVI,
AGED 48,
W/O.M.S.AHMED,
“UJJAINI”, T.C.5/2568(3) BHAGAVATHI LANE,
SASTHAMANGALAM,
TRIVANDRUM - 695 010.

ADDL.3. ANUP AHMED,
AGED 24,
SON OF M.S.AHMED,
“UJJAINI”, T.C.5/2568(3) BHAGAVATHI LANE,
SASTHAMANGALAM,
TRIVANDRUM - 695 010.

ADDL.4. ABID AHMED, AGED 21,
SON OF M.S.AHMED,
“UJJAINI”, T.C.5/2568(3) BHAGAVATHI LANE,
SASTHAMANGALAM,
TRIVANDRUM - 695 010.

** (ADDITIONAL APPELLANTS 2 TO 4 ARE IMPLEADED AS PER ORDER ON I.A.NO.2543/2005 - VIDE JUDGMENT)

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.MURALI PURUSHOTHAMAN

RESPONDENTS/RESPONDENTS:-
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1. STATE OF KERALA,
   REPRESENTED BY THE COMMISSIONER & SECRETARY,
   INDUSTRIES (J) DEPARTMENT,
   GOVERNMENT SECRETARIATE,
   TRIVANDRUM.

2. THE KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION,
   KESTON ROAD,
   KAWDIAR,
   TRIVANDRUM - 695 003,
   REPRESENTED BY ITS MANAGING DIRECTOR.

3. THE KERALA FINANCIAL CORPORATION,
   VELLAYAMBALAM,
   TRIVANDRUM,
   REPRESENTED BY ITS MANAGING DIRECTOR.

R1 BY SENIOR GOVERNMENT PLEADER SMT.K.MEERA.
R2 & R3 BY STANDING COUNSEL SRI.M.PATHROSE MATHAI (SR.ADV.)
ADV. SMT.MARIAM MATHAI
ADV.SRI.SAJI VARGHESE.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, ALONG WITH W.A NO.1229 OF 1997 & CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.M.Joseph,J.

W.A.Nos.1230 of 1997-C, 1229 of 1997-C, 1231 of 1997-D & W.P.(C).No.25600 of 2003-V

Dated, this the 24th day of October, 2007

JUDGMENT

H.L.Dattu,C.J.

The applications filed in the appeals to implead the legal heirs of deceased M.S.Ahmed, the then Managing Partner of the appellant Company, are allowed.

(2) In our opinion, the Kerala State Co-operative Bank Ltd., Thiruvananthapuram, which has filed impleading applications in the appeals, is not a necessary party for effective disposal of the Writ Appeals. Therefore the said applications are rejected.

(3) Since common questions of law and facts are involved in all these appeals and the writ petition, they are clubbed, heard and disposed of by this common order.

(4) In all these appeals and the writ petition, the primary grievance of the appellant/petitioner is against the action of the Kerala State Industrial Development Corporation ("Corporation" for short) in initiating proceedings under Section 29 of the State Financial Corporations Act, 1951 to take over the mortgaged assets of the appellant Company and effecting sale of the same for realisation of the amounts due to the Corporation. The consequential relief sought for is, for a direction to the respondents to pass an appropriate order on the application filed by the appellant for grant of One Time Settlement benefit under the One Time Settlement Scheme.

(5) During the pendency of these Writ Appeals and the Writ Petition, there is an understanding between the appellant and the 2nd respondent for grant of One Time Settlement benefit.

(6) In view of the Minutes of the Meeting held by the Principal Secretary (Industries) on 4.10.2007, Sri.N.Nandakumara Menon, learned counsel appearing for the appellant/petitioner would submit that for the present he would not be pressing for any relief in these appeals and the writ petition; and further requests this Court to reserve liberty to the appellant/petitioner to approach this Court again, if need arises in future.

(7) Taking note of the statement made by the learned counsel, these Writ Appeals and the Writ Petition are disposed of as having become unnecessary for the present. Liberty is reserved to the appellant/petitioner to approach this Court again, if they so desires and if need arises in future.

(8) I.A.Nos.10404 of 2003 and 14234 of 2007 in W.P.(C). No.25600 of 2003 for accepting additional documents are allowed.

(9) All other pending interim applications shall stand rejected.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.M.Joseph
Judge

vku/-